

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND – SOUTHERN DIVISION

PRIYANK SHAH

Plaintiff

v.

COLLECTO, INC., et al.

Defendants

Civil Action No.: DKC-04-cv-04059

**SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF MOTION TO  
DISMISS,  
OR IN THE ALTERNATIVE,  
MOTION FOR SUMMARY JUDGMENT**

Defendant, Collecto, Inc. doing business as Collection Company of America (hereinafter referred to as “CCA”), by and through its attorneys, Edward J. Hutchins, Jr., Stacey A. Moffet, and Eccleston & Wolf, P.C., pursuant to the Federal Rules of Civil Procedure, hereby submits this Supplemental Memorandum of Law in Support of the Motion to Dismiss, or in the alternative, Motion for Summary Judgment previously filed herein. The Motion and Memorandum of Law are incorporated by reference herein.

**SUPPLEMENTAL ARGUMENT AND REQUEST FOR RELIEF**

Plaintiff’s Complaint contained various claims for relief that were inapplicable on their face. When these errors were pointed out to Plaintiff’s counsel, he took appropriate action and agreed to dismiss the same. *See*, Plaintiff’s Notice of Dismissal. At that time, CCA filed its response to the remainder of Plaintiff’s allegations and filed a Motion to Dismiss, or in the alternative, Motion for Summary Judgment. In support of the Motion, CCA provided the Court, as well as Plaintiff and his counsel, with documentary evidence

of its actions in connection with Plaintiff's account. *See*, Exhibit 1 to Motion and documents attached thereto. This documentation was flatly contradictory to many of Plaintiff's bald allegations and, moreover, are not items of which Plaintiff has any personal knowledge or could generate genuine disputes of fact.

However, when ordered by this Honorable Court to file an Amended Complaint, Plaintiff failed to address any of the documentation which calls into question, and generally refutes entirely, the factual basis for Plaintiff's claims. Rather, Plaintiff made absolutely no revisions to those portions of his Complaint other than the three items included in Plaintiff's Notice of Dismissal. Thus, despite now knowing the allegations to be baseless and entirely false, Plaintiff continues to allege, for example, that CCA obtained Plaintiff's credit report without a legitimate business purpose (Am. Compl. at 7); that CCA failed to conduct a reasonable investigation or to validate Plaintiff's account (Am. Compl. at 19); that CCA knew by January 1, 2004 that the debt was not valid (Am. Compl. at 20); that CCA reported information it knew to be false to credit reporting agencies (Am. Compl. at 22); and that CCA failed to report that the debt was disputed (Am. Compl. at 23). These bald allegations are refuted entirely by Exhibit 1 and the documents attached thereto to CCA's Motion.

As demonstrated by CCA's Motion and the exhibits thereto, there can be no genuine dispute of material fact that these allegations are false, unjustified, and baseless. Despite having the benefit of CCA's Motion when preparing the Amended Complaint, however, Plaintiff entirely ignores this information and continues to assert falsities. Even if this Court could excuse Plaintiff's original pleading and its bald allegations, Plaintiff

cannot be excused from continuing to present such knowingly, groundless contentions, which are clearly made in bad faith and for purposes of harassment of CCA.

Therefore, in addition to the dismissal and/or summary judgment sought in CCA's Motion to Dismiss, or in the alternative, Motion for Summary Judgment, CCA further seeks relief in the form of attorney's fees and costs pursuant to 15 U.S.C. 1692k(a)(3) and 15 U.S.C. 1682n(c).

/s/

Edward J. Hutchins, Esquire (Bar #03841)  
Stacey A. Moffet, Esquire (Bar #23025)  
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*Attorneys for Defendant Collecto, Inc.*

*CERTIFICATE OF SERVICE*

I HEREBY CERTIFY that on this 9<sup>th</sup> day of March 2005, a copy of the foregoing Supplemental Memorandum of Law in Support of Motion to Dismiss, or in the alternative, Motion for Summary Judgment was served electronically and mailed by first class mail, postage prepaid, to:

Michael Worsham, Esquire  
1916 Cosner Road  
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*Attorney for Plaintiff Priyank Shah*

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*Attorney for Defendant University of Bridgeport*

\_\_\_\_\_/s/\_\_\_\_\_  
Stacey A. Moffet